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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,016	04/08/2004	Bernard S. Sain	046504-0113	8554

22428 7590 07/25/2005

FOLEY AND LARDNER
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WASHINGTON, DC 20007

EXAMINER

GUTMAN, HILARY L

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,016

Applicant(s)

SAIN, BERNARD S.

Examiner

Hilary Gutman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22, 25, 27, 29 and 31-36 is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-18, 23 and 24 is/are rejected.
- 7) ☒ Claim(s) 5-8, 19-21, 26, 28, 30 and 37-40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/8/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species B in the reply filed on 6/8/05 is acknowledged.

Drawings

2. The drawings are objected to because in Figure 10, reference number "416" should apparently be "41b". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: on page 11, [0063], line 5, “to” should be added after “with respect”. Appropriate correction is required.

Claim Objections

4. Claims 26, 28, 30, 37-38, and 40 are objected to because of the following informalities:

In claim 26, on lines 2 and 4, “said” should be inserted before “platforms”.

In claim 28, on line 4, “a” should be deleted before “selected”.

In claim 30, line 5, a period should be inserted after “members”.

In claim 37, line 2, “the” should be inserted before “transport platforms”.

In claim 38, line 10, “a guide member” should be “one said guide member”. In line 12, “the” should be inserted before “cell guides”.

In claim 40, line 8, “the” should be inserted before “portions”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 4, 9, 10, 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4, line 2, recites “used to the transport platform” which is awkward and unclear. Perhaps “connect” should be inserted after “used to”.

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Claim 23 recites the limitation "first and second end member" in line 3. There is insufficient antecedent basis for this limitation in the claim. Perhaps "the" should be inserted before "first".

Claim 24 recites the limitation "vertically extending guide members" in line 2. There is insufficient antecedent basis for this limitation in the claim. Perhaps "said" should be inserted before "vertically".

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Campbell.

Campbell (5,439,152) discloses a transport platform comprising: a platform (generally formed by legs 12 and 30); and adjustable length pillars 110, 116 provided either side and at both ends of the platform, the adjustable length pillars each having an upper cross-member 124 interconnecting the upper ends thereof.

With regard to claim 2, the platform is provided with cross-members 70 which are connected with the platform and which extend parallel with the upper cross-members.

With regard to claim 3, the upper and lower cross-members are provided with openings (generally engaging pins 120, 122) by which the upper and lower cross-members are engageable with structural members adapted to hold the platform in a predetermined position during transit.

With regard to claim 12, the adjustable length pillars each comprise a base member rigidly connected with the platform and a telescopic member which is slidably disposed with the base member.

With regard to claim 13, the upper cross-members interconnect upper ends of a pair of telescopic members.

With regard to claim 14, the adjustable length pillars each further comprise a locking device which selectively locks the telescopic member in one of a plurality of positions relative to the base member.

With regard to claim 15, each locking device comprises a locking pin which is disposed through apertures which are formed in the telescopic member and the base member of the adjustable length pillars.

9. Claims 1 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim.

Kim (6,227,397) discloses a transport platform comprising: a platform 10, 12; and adjustable length pillars 14, 16 provided either side and at both ends of the platform, the adjustable length pillars each having an upper cross-member (Figure 3) interconnecting the upper ends thereof.

With regard to claim 11, the platform is flat and adapted to have vehicles and other cargo including boats, buses etc., which are not suited for disposition in conventional containers, secured thereon.

With regard to claim 12, the adjustable length pillars each comprise a base member rigidly connected with the platform and a telescopic member which is slidably disposed with the base member.

With regard to claim 13, the upper cross-members interconnect upper ends of a pair of telescopic members.

With regard to claim 14, the adjustable length pillars each further comprise a locking device which selectively locks the telescopic member in one of a plurality of positions relative to the base member.

With regard to claim 15, each locking device comprises a locking pin which is disposed through apertures which are formed in the telescopic member and the base member of the adjustable length pillars.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2-4 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim, as applied to claim 1 above, in view of Clive-Smith and Sain et al.

Kim lacks lower cross-members.

Clive-Smith (5,755,472) teach a platform having upper and lower cross members and apertures at the ends thereof. -

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a lower cross member as taught by Clive-Smith for the platform of Kim in order to increase the strength and rigidity of the platform.

Kim, as modified, lacks connections rails.

Sain et al. (6,027,291 teach a container having connections rails connecting upper and lower portions of adjacent containers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided connection rails as taught by Sain et al. for the arrangement of Kim, as modified, in order to connect adjacent platforms and containers.

12. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim, as applied to claim 1 above, in view of Glassmeyer.

Kim lacks a cargo connection device which is provided on the platform, adapted to facilitate connection of cargo to the platform, and is movably positionable on the platform.

Glassmeyer (4,131,071) teaches cargo connection devices attached to a platform for securing cargo thereon.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a cargo connection device as taught by Glassmeyer upon the platform of Kim in order to allow cargo positioned thereon to be securely held for transport.

13. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Sain et al.

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For claim 18, Kim discloses a transport platform arrangement comprising: a transport platform comprising: a platform, and pillars provided on either side and at both ends of the platform, the adjustable length pillars each having an upper cross-member interconnecting the upper ends thereof.

Kim lacks the transport platform arrangement further comprising first connection rails which are disposed over and connectable to the upper cross-members, the first connection rails being connectable to at least one container which is disposed adjacent the transport platform.

Sain et al. (6,027,291 teach a container having connections rails connecting upper and lower portions of adjacent containers.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided connection rails as taught by Sain et al. for the arrangement of Kim in order to connect adjacent platforms and containers.

Allowable Subject Matter

14. Claims 22, 25, 27, 29, and 31-36 are allowed.

15. Claims 26, 28, 30, and 37-40 are objected to as containing a minor informality or being dependent upon being dependent upon an objected claim, but would be allowable if rewritten to overcome the minor informality.

16. Claims 23-24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

17. Claims 5-8 and 19-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 571-272-6662.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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19. **Any response to this action should be mailed to:**

Assistant Commissioner for Patents

Washington, D.C. 20231

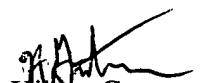
or faxed to:

(703) 872-9326, (for formal communications intended for entry)

or:

(703) 746-3515, (for informal or draft communications, please clearly label

“PROPOSED” or “DRAFT”).


Hilary Gutman
July 19, 2005